

1 Jeane DeKelter
2 Attorney at Law
3 State Bar No.111394
4 4960 Almaden Expressway #208
5 San Jose, CA 95118
6 (408) 307-5800
7 JeaneJD@comcast.net

8 Attorney for Defendant TOM O'MEARA

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN JOSE DIVISION**

12 UNITED STATES OF AMERICA,	)	No. CR-10-00562 LHK (HRL)
)	
13 Plaintiff,	)	MISCELLANEOUS RELIEF
	)	REQUEST FOR <i>IN CAMERA</i>
14 v.	)	HEARING
)	
15 THOMAS JOSEPH O'MEARA,	)	Date: October 26, 2011
	)	Time: 10:00 am
	)	Honorable Lucy H. Koh
16 Defendant.)	
)	

17 PLEASE TAKE NOTICE that on October 26, 2011 at 10 a.m., Jeane
18 DeKelter, counsel for defendant Tom O'Meara, will request, if necessary, that
19 the court conduct an *in camera* hearing to allow defendant's counsel to provide
20 information personal and private to Ms. DeKelter, for the court's consideration
21 to facilitate case management.

22 Date: October 24, 2011 Respectfully submitted,
23 /s/
24 Jeane DeKelter
25

1 Jeane DeKelter
2 Attorney at Law
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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN JOSE DIVISION**

12 UNITED STATES OF AMERICA,	)	No. CR-10-00562 LHK (HRL)
)	
13 Plaintiff,	)	DECLARATION OF JEANE
	)	DEKELVER IN SUPPORT OF
14 v.	)	MISCELLANEOUS RELIEF
	)	REQUEST FOR <i>IN CAMERA</i>
15 THOMAS JOSEPH O'MEARA,	)	HEARING
)	
)	
16 Defendant.)	
)	

17 **DECLARATION OF COUNSEL**

18 I, Jeane DeKelter, declare as follows:

- 19 1. I was appointed to represent defendant Tom O'Meara under the
20 Criminal Justice Act *nunc pro tunc* to August 5, 2010.
- 21 2. Mr. O'Meara is charged in a thirty-two count indictment with
22 allegations he violated the following sections of 18 U.S.C.: 1349 (conspiracy to
23 commit wire and mail fraud), 1343 (wire fraud), 1341 (mail fraud) and 1957(a)
24 (money laundering), with losses alleged to be up to 16 million dollars, in
25 relation to his and his now deceased partner's efforts to develop an 18 hole golf

1 course and gated housing community known as the Running Horse Golf
2 Course & Country Club in Fresno, California.

3 3. On August 6, 2010, Magistrate Judge Trumbull executed an Order
4 setting Conditions of Release and Appearance [ECF #4] including, but not
5 limited to, \$25,000 cash and a \$25,000 unsecured note was posted and signed,
6 respectively, by Jack O'Meara (brother of the defendant), Nanette O'Meara
7 (wife of the defendant) signed an unsecured note of \$50,000, the defendant
8 surrendered his passport and was placed on electronic monitoring and home
9 detention. Mr. O'Meara lives in Palm Desert, California.

10 4. Judge Fogel, at the first status hearing, ruled that Mr. O'Meara's
11 appearance is unnecessary for non-substantive hearings.

12 5. There is information personal and private to Jeane DeKolver that
13 is necessary for the court's consideration for purposes of case management.
14 This information is of a nature that it would be an invasion of the privacy of
15 Ms. DeKolver if required to reveal it in an open courtroom.

16 6. An *in camera* hearing between Judge Koh and Ms. DeKolver is
17 requested to provide the information to the court without violating Ms.
18 DeKolver's privacy.

19 I declare under penalty of perjury that the foregoing is true and correct.
20 This declaration was executed on October 24, 2011, at San Jose, California.

21 /s/
22

23 _____
24 Jeane DeKolver
25